vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION

LETTER PATENTS APPEAL (ST.) NO.3836 OF 2007
IN
WRIT PETITION NO.914 OF 2007
a/w
CIVIL APPLICATION (ST.) NO.3838 OF 2007
IN
LETTERS PATENT APPEAL (ST.) NO.3836 OF 2007
IN
WRIT PETITION NO.914 OF 2007

Sambhajirao Bhimrao Patil ... Appellant
V/s.
Gopalrao Motiram Patil & Ors. ... Respondents

Mr.Y.S. Jahagridar with Mr.Vineet Naik for Appellant
Mr.C.J. Sawant with Mr.Vijay Patil for Respondent Nos.1 to 9

ALONGWITH
LETTER PATENTS APPEAL (ST.) NO.3840 OF 2007
IN
WRIT PETITION NO.914 OF 2007
a/w
CIVIL APPLICATION (ST.) NO.3841 OF 2007
IN
LETTERS PATENT APPEAL (ST.) NO.3840 OF 2007
IN
WRIT PETITION NO.914 OF 2007

Narisingrao Gurunath Patil & Ors. ... Appellants
V/s.
Daulat Shetkari Sahakari Sakhar Karkhana & Ors. ... Respondents

Mr.V.A. Thorat with Vaibhav Sugdane for Appellants
Mr.C.J. Sawant with Mr.Vijay Patil for Respondent Nos.4 to 12

CORAM: **S.B. MHASE &**
SMT.NISHITA MHATRE, JJ.

DATED: **MARCH 7, 2007**

P.C.:

. These Letters Patent Appeals are directed against the order dated 20.2.2007 passed in Writ Petition No.914 of 2007. By this order, certain interim

orders were passed in favour of the Petitioners in the Writ Petition who are the respondents in these Letters Patent Appals. Mr.C.J. Sawant, the learned Senior Counsel, who appears for the original writ petitioner, makes a statement that he has no objection to set aside the impugned order since the writ petition should have been heard by a Division Bench and not by the Single Judge. He further submitted that these interim orders passed by the learned Single Judge may be continued till the matter is placed before the Division Bench. He also submitted that the matters be placed before the Division Bench at the earliest possible time. Mr.Thorat and Mr.Jahagirdar, who appear for the appellants in the Letters Patent Appeals, submit that they have no objection to place the matter before the Division Bench but however, they vehemently oppose the continuance of the interim order till the matter is heard by the Division Bench.

2. What we find is that in view of the concession which has been given by Mr.Sawant, learned Senior Counsel, it will be appropriate to set aside the order dated 20.2.2007 passed by the learned Single Judge. But what we find appropriate is that we should continue the interim orders passed by the learned Single judge for a limited period i.e., upto Tuesday, the 13th March, 2007

so that the respondents, the original writ petitioners, can move the appropriate forum for the hearing of the writ petition and thereby get an opportunity to get appropriate orders from a Bench having jurisdiction in the matter. We therefore, pass the following order:

i) The order dated 20.2.2007 is hereby quashed and set aside in view of the concession given by Mr.Sawant.

ii) We further direct that the interim order granted by the learned Single Judge by order dated 20.2.2007 shall continue for a limited period i.e., upto Tuesday, the 13th March, 2007.

iii) We direct the Respondent Petitioners to submit a second set of the Writ Petition on or before Monday, the 12th March, 2007 to the Office. The Office is hereby directed to place the matter before the Division Bench taking regular matters under Article 226 after obtaining appropriate orders from the Hon’ble the Acting Chief Justice.

3. With these observations and directions, we dispose off the Letters Patent Appeals.

(NISHITA MHATRE, J.) (S.B. MHASE, J.)